

**,UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

HILLER, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action Number 3:17-CV-00743
)	Judge Jon Phipps McCalla
SUCCESS GROUP INTERNATIONAL)	Magistrate Judge Jeffery S. Frensley
LEARNING ALLIANCE, LLC, and)	
REBECCA CASSEL,)	
)	
Defendants.)	
)	
and)	
)	
CLOCKWORK IP, LLC,)	
)	
Intervenor/Counter-Plaintiff.)	

JOINT SUBMISSION REGARDING CALCULATION OF JUDGMENT

On August 6, 2021, the Court ordered the parties to submit a Joint Calculation of Judgment, which accounts for a \$151,609 attorneys’ fees award plus interest to be effective September 1, 2021. [ECF 328]. In accordance with that Order, the parties submit that the interest on the attorneys’ fees awarded is \$7.99, which added to the \$151,609 fees award, results in a total of \$151,616.99. Plaintiff, Hiller, LLC (“Hiller”) submits this amount as the total judgment to which it is entitled.

Clockwork IP, LLC (“Clockwork”) respectfully requests that the Court offset the \$151,616.99 award by \$17,970, which reflects costs that Clockwork incurred as a result of Hiller’s request to continue the original November 2018 trial date. The Court has previously found that Clockwork is entitled to recover costs incurred as a result of that continuance, asking

only that the parties submit briefing on the amount. (ECF 215-6 Hr'g Tr.). Clockwork's pending Motion for Cost Shifting Due to Continuance provides facts and evidence that supports its requested \$17,970. (ECF No. 213; ECF No. 214). With the offset, Clockwork submits that the total judgment to which Hiller is entitled is \$133,646.99.

For the reasons stated in its opposition to Clockwork's cost-shifting motion, Hiller believes that no offset of the Court's attorney-fee award is appropriate. Should the Court entertain Clockwork's request to offset the award of attorney fees by some amount of costs, however, Hiller submits that any offset be limited to the amount of \$5,970 for the reasons set forth in its opposition to Clockwork's pending motion. Dkt. 216 at 3.

Date: September 1, 2021

/s/ Jason P. Stearns

Wendy V. Miller, TN #023500

John G. Harrison, TN #027004

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

SunTrust Plaza

401 Commerce Street, Suite 1200

Nashville, TN 37219-2446

Telephone: 615.254.1900

Facsimile: 615.254.1908

Email: Wendy.Miller@ogletree.com

Email: John.Harrison@ogletree.com

Local Counsel for Plaintiff/Counter
Defendant

Jeffrey J. Catalano (*pro hac vice*)

Jennifer Fitzgerald (*pro hac vice*)

FREEBORN & PETERS LLP

311 S. Wacker Drive, Suite 3000

Chicago, IL 60606

Telephone: 312.360.6000

Email: jcatalano@freeborn.com

Email: jfitzgerald@freeborn.com

Jason P. Stearns (*pro hac vice*)
FREEBORN & PETERS LLP
201 North Franklin Street, Suite 3550
Tampa, FL 33602
Telephone: 813.488.2920
Email: jstearns@freeborn.com
Lead Counsel for Plaintiff/Counter
Defendant

/s/ Lucy Jewett Wheatley
John E. Joseph (TN Bar No. 030930)
McGuireWoods LLP
260 Forbes Avenue
Suite 1800
Pittsburg, Pennsylvania 15222
412-667-6000
jejoseph@mcguirewoods.com

Lucy Jewett Wheatley (*pro hac vice*)
Amanda L. DeFord (*pro hac vice*)
McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, Virginia 23219
804-775-1000
lwheatley@mcguirewoods.com
adeford@mcguirewoods.com

Counsel for Intervenor Clockwork IP, LLC